IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 21865 of 2004

Between:

1 Goli Venkataramana, S/o.Seetharamaiah,
Vempalli village and Mandal, Kadapa District, R/o.D.No.13/317, Near Old Bus Stand,
Vempalli Village & Mandal, Kadapa District.
2 Bachu Venugopal, S/o.Rangaiah,
Vempalli village & Mandal, Kadapa District, R/o. Near Z.P. High School, Vempalli Village & Mandal,
Vempalli Mandal, Kadapa District.
3 K.Isaac Raja, S/o.Late K.Narayanaswamy,
Vempalli village & Mandal, Kapada District, R/o.Near Obulreddi Cotton Mills, Vempalli Village & Mandal, Vempalli Mandal, Kapada District.

..... PETITIONERS

AND

1 The Zilla Parishad, Kadapa, rep. by Chief Executive officer, Kadapa.
2 District Collector, Kadapa District.
3 The Mandal Revenue officer, Vempalli mandal, Kadapa District.
4 Grampanchayat Vempalle, rep. by Executive officer/Panchayat Secretary, Vempalli Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, especially in the nature of writ of Mandamus declaring the proceedings of 1st respondent in Ref. No.3141/A7/90, dt.26-11-2004 received on 27-11-2004 at 9 AM directing the petitioners to vacate the premises/shops within 48 hours situated at Vempalli village, Vempalli post and Mandal, Kadapa District, as illegal, without authority of law and violation of the fundamental rights of the petitioners and consequently set aside the same.

Counsel for the Petitioner: MR.T.V.S.KUMAR

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following:

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ORDER:

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The petitioners challenge the action of the first respondent in requiring them to vacate the premises/shops situated at Vempalli Village and Mandal, Kadapa District within 48 hours. They have urged several grounds in support of their contention including the jurisdiction of the respondents to issue the impugned proceedings, and the right of the petitioners, to continue in possession of the land.

Heard learned counsel for the petitioners and learned Standing Counsel for the respondents.

The matter has undergone several adjournments. It has ultimately emerged that initially, when the petitioners were sought to be evicted, they filed W.P.No.20125 of 2004 and the same was disposed of directing that the petitioners can be evicted only after the first respondent passes a speaking order considering the explanations submitted by the petitioners. Now an order is passed by the first respondent. Though learned counsel for the petitioners had made several submissions, touching on the jurisdiction and power of the respondents, the consideration thereof is not necessary for the reason that the first respondent has offered to allot one shop each to the petitioners after the construction, over the site in question, without requiring them to participate in the auction and the petitioners agreed for the same. It is also stated that a reasonable and workable rent will be fixed for them.

Recording the statement made on behalf of the first respondent, the writ petition is disposed of and the petitioners are granted two weeks time from today to vacate the premises. On handing over the possession of the same, the respondents shall

construct the shops and the petitioners shall be allotted one shop each at a location proximate to the place where their existing shops are located, without subjecting them to the process of auction. The rent shall be the lowest that is fetched for any shop in the complex. There shall be no order as to costs.

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20.12.2004

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To

1 The Chief Executive officer, Zilla Parishad, Kadapa, Kadapa.
2 The District Collector, Kadapa District.
3 The Mandal Revenue officer, Vempalli mandal, Kadapa District.
4 The Executive officer/Panchayat Secretary, Grampanchayat Vempalle, Vempalli Mandal, Kadapa District.

5 2 CCs to the G.P. for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad (OUT).

6 2 CD copies.